

EXHIBIT A

1 MONTANA ELEVENTH JUDICIAL DISTRICT COURT

2 FLATHEAD COUNTY

3 Cause No. DR-18-474 (C)

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6 NINA KOUPRIIANOVA,

7 Petitioner,

8 and

9 RICHARD B. SPENCER,

10 Respondent.
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14 PARTIAL TRANSCRIPT OF PROCEEDINGS
15 {Court's Ruling}

16
17 Before the Honorable Heidi J. Ulbricht

18
19 Tuesday, May 19, 2020

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22 Flathead County Justice Center
23 920 South Main • Kalispell, Montana 59901

24
25 Reported by Nancy Skurvid, RPR
Official Court Reporter

APPEARANCES

ON BEHALF OF PETITIONER:

AUTUMN THOMPSON, ESQ.
Thompson & Steigerwalt, PLLC
234 East Pine Street
Missoula, Montana 59802

RESPONDENT RICHARD SPENCER
Appeared Pro Se

JOYCE FUNDA, J.D.
P.O. Box 156
Rollins, Montana 59931
Jfunda@joycefunda.com

1 PROCEEDINGS ~ 1:56 P.M.

2 THE COURT: You may have a seat.

3 (Court initiates JVN connection to
4 Ms. Thompson.)

5 THE COURT: And Ms. Thompson, can
6 you hear me all right?

7 MS. THOMPSON: I can.

8 THE COURT: All right. The
9 Court, then, has had an opportunity to hear
10 the initial arguments today and review the
11 Register of Actions.

12 And so the Court, in Court Document
13 No. 5, did issue an Order, pursuant to the
14 stipulation of Nina and Richard, appointing
15 Joyce Funda as GAL and that, pursuant to the
16 stipulation, Richard did agree to be
17 personally responsible for the GAL fees.

18 Richard has not filed a motion in
19 this case challenging Joyce Funda's amount of
20 her GAL fees, the allocation of the fees, or
21 the reasonableness of the fees.

22 In Court Document 102, Joyce Funda
23 did file an Affidavit in regards to the
24 contempt, and it is undisputed that Richard
25 has not paid Joyce Funda.

1 The Court will find Mr. Spencer in
2 contempt. The contempt will be a \$500 fine
3 and 14 days in jail.

4 Mr. Spencer can purge that contempt
5 by entering into a payment plan with Joyce
6 Funda on or before June 20th. And that
7 payment plan, then, would establish a time
8 certain and payment of certain fees.

9 If Mr. Spencer fails to do that, then
10 the contempt -- the \$500 and 14 days would be
11 enforced. And then Ms. Funda, in order to
12 enforce the monetary amount, would need to sue
13 individually for a civil judgment in this
14 case.

15 Any clarification questions,
16 Ms. Funda?

17 MS. FUNDA: No, Your Honor. I
18 was doing legal research on my phone while you
19 were in there, and it's not relevant at this
20 point.

21 No, I have no questions.

22 THE COURT: Okay.

23 MS FUNDA: Well, I do. Who
24 submits the order? Me, or do you issue your
25 own order?

1 THE COURT: If you want a written
2 order, other than the minute entry, you may
3 submit one.

4 MS. FUNDA: I may do one.

5 THE COURT: Okay. And
6 Mr. Spencer, did you have any clarifying
7 questions?

8 MR. SPENCER: I'm not sure that
9 my argument has ever been heard for why I am
10 making these claims. I am not simply making a
11 claim because I don't want to pay.

12 THE COURT: You've never filed a
13 motion to the Court, nor did you respond to
14 Ms. Funda's application.

15 MR. SPENCER: Well, I assumed
16 that this was going to happen now. I mean, I
17 am at a point where I can only defend myself
18 because I cannot afford any of this, as I've
19 said.

20 And I don't know how -- I don't know
21 how the law could be more clear in the sense
22 of the way in which the guardian ad litem is
23 defined, except that if the responsible party
24 is indigent, the cost must be waived.

25 What is ambiguous about that?

1 THE COURT: Today was the order
2 to show cause on the application for contempt.
3 And as I stated, you have not filed a response
4 to that, so the Court is recognizing the
5 Affidavit of Ms. Funda that was put into the
6 record.

7 MR. SPENCER: I presumed that
8 this is when we would discuss this matter. I
9 mean, I cannot afford a lawyer. This is why
10 I'm doing this.

11 THE COURT: And when you
12 represent yourself, there's some leeway the
13 Court offers, but you still are held to the
14 same statutory and rules of civil procedure
15 that an attorney is held to.

16 MR. SPENCER: I understand. But
17 when someone represents themselves pro se,
18 there is certainly leeway given to them.

19 My understanding was that this is
20 where this matter would be dealt with. And I
21 prepared my argument under that assumption.

22 And I still don't understand -- I
23 mean, I guess I could write this down and send
24 a motion if you would like, if you would grant
25 me a, say, 14-day extension to make a motion

1 that I'm indigent and prove that with tax
2 returns. I'd be more than happy to do that.

3 And I would humbly request that you
4 do that.

5 THE COURT: The Court would wait
6 to see the motion before it --

7 MR. SPENCER: Well, of course,
8 I --

9 THE COURT: -- before I make a
10 decision.

11 MR. SPENCER: I know at least
12 that.

13 THE COURT: Okay. Thank you.

14 And Ms. Thompson, did you have any
15 clarifying questions?

16 MS. THOMPSON: No, Your Honor.

17 THE COURT: Okay. Thank you.

18 MS. FUNDA: Your Honor, I just --
19 my -- I did hand Mr. Spencer -- we had a
20 conversation while you were in chambers. And
21 I did hand Mr. Spencer a copy of the
22 appropriate guardian ad litem statute.

23 I think he was referring to the
24 dependent neglect one, which doesn't differ
25 very much.

1 But the indigent phrase has to do
2 with allocation -- the appointment by the
3 Court at the beginning of the case and the
4 allocation of the fees at the beginning of the
5 case, not after the case when there is a bill.
6 That's just not how the statute reads. And I
7 think he may be unclear on that.

8 But nonetheless, we did have a
9 conversation, and I don't know if it will lead
10 to more, but --

11 MR. SPENCER: Well, indigent is
12 indigent. I can't invent money out of thin
13 air.

14 THE COURT: And the Court didn't
15 make a finding on that. And partly,
16 Mr. Spencer, when the Court asked you what
17 statute --

18 MR. SPENCER: Uh-huh.

19 THE COURT: -- you didn't have
20 that statute before you today.

21 MR. SPENCER: You know, I'm not a
22 lawyer, Your Honor. I mean, I wish I had a
23 lawyer. But -- have you granted my request
24 that I can send a motion in 14 days?

25 THE COURT: You need to submit a

1 motion, and then the Court will determine
2 whether or not it will entertain it.

3 MR. SPENCER: I see. Okay.

4 THE COURT: But at this point
5 it's hypothetical. You don't have a statute
6 or what's contained -- the legal basis for
7 that motion.

8 MS. FUNDA: And, Your Honor, I
9 assume that any motions that Mr. Spencer may
10 file do not affect the order that you granted
11 today?

12 THE COURT: Correct.

13 MR. SPENCER: Well, then what's
14 the point of filing a motion? I mean, I
15 just -- like if there's no money to pay
16 her.... So this is all rather academic.

17 THE COURT: All right. Thank
18 you. Court's adjourned.

19 (Proceedings concluded at 2:04 p.m.)
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REPORTER'S CERTIFICATE

STATE OF MONTANA)

: ss

County of Flathead)

I, Nancy Skurvid, RPR, Official Court Reporter, residing in Kalispell, Montana, do hereby certify:

That I was duly authorized to and did create a verbatim record of the proceedings in the above-entitled cause.

I further certify that the foregoing pages of this transcript represent a true and accurate transcription of my original stenographic notes.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of June, 2020.

/s/ Nancy Skurvid
Nancy Skurvid, RPR
Official Court Reporter